

BADIAK & WILL, LLP*Attorneys and Proctors in Admiralty*

TELEPHONE: (516) 877-2225
 TELEFAX: (516) 877-2230/2240
 E-MAIL: ADMIRALAW@AOL.COM

106 THIRD STREET
 MINEOLA, NY 11501-4404

FLORIDA OFFICE:
 BADIAK, WILL & KALLEN
 17071 WEST DIXIE HIGHWAY
 NORTH MIAMI BEACH, FL 33160

July 15, 2008

VIA TELEFAX - 212-805-6382

Honorable Victor Marrero
 United States District Court
 Southern District of New York
 500 Pearl Street
 New York, New York 10007

RE: Fortis Corporate Insurance a/s/o Empire Resources, Inc. v.
 Total Quality Logistics, Hills Trucking, Inc.
 Index No.: 07 Civ. 3731 (VM)
 Our Ref.: 07-E-002-RB/LS

USDS SDNY
 DOCUMENT
 ELECTRONICALLY FILED
 DOC #: 715-08
 DATE FILED 7/15/08

Dear Honorable Marrero,

We represent plaintiff in the referenced matter. Subsequent to the last conference, we expected defendants to contact us to settle this matter before the next conference. The undersigned has attempted to contact Canal's New York counsel on four (4) separate occasions, to no avail.

In order not to waste the Court's time and to discourage defendants from appearing by counsel who lack knowledge of the case and are without authority to settle, we respectfully request that the conference currently scheduled for July 18, 2008 at 10:00 A.M. be briefly post-poned. We also respectfully request that defendants be directed to appear at the next conference with their principals in order for settlement discussions to be fruitful.

We wish to advise the Court that the undersigned will be unavailable during the week of July 28, 2008.

We thank the Court for its kind attention to this matter.

Respectfully submitted,

BADIAK & WILL, LLP


 LISA A. SCOGNAMILLO

Request GRANTED. The next settlement conference herein is rescheduled to 7/25/08 at 2:30 P.M.. The parties are directed to appear with principals authorized to SO ORDERED, enter into binding settlements.

7-15-08
 DATE


 VICTOR MARRERO, U.S.D.J.

cc: See List Below

VIA TELEFAX ONLY 513-579-6457

Attn: Charles M. Miller, Esq.
Keating Muething & Klekamp, PLL
Attorneys for Defendant Total Quality Logistics, Inc.
One East Fourth Street, Suite 1400
Cincinnati, Ohio 45202-3752

VIA TELEFAX ONLY 201-886-0111

Attn: Sukjin Henry Cho, Esq.
Pak & Cho, P.C.
Attorneys for Defendant Total Quality Logistics, Inc.
1022 Anderson Avenue
Fort Lee, New Jersey 07024

VIA TELEFAX ONLY 973-643-6500

Attn: Bennet Susser, Esq.
Sills Cummis & Gross, P.C. (NJ)
Attorneys for Defendant Hill's Trucking, Inc.
One Riverfront Plaza
Newark, New Jersey 07102-5400

VIA TELEFAX ONLY 212-832-3155

Attn: Stephen C. Cunningham
Lustig & Brown
Attorneys for Third-Party Defendant, Bolivar Insurance & Real Estate, Inc.
28 West 44th Street, 20th Floor
New York, New York 10036

VIA TELEFAX ONLY 212-307-5200

Attn: Teresa Ann Gruber
Attn: Susan Sinodish
McElfish Law Firm
Attorneys for Third-Party Defendant, Canal Insurance Company
350 5th Avenue, Suite 1729
New York, New York 10118